The schizophrenia of American law in its treatment of the unborn was on full display in a recent decision from the Seventh Circuit Court of Appeals. In Box v. Planned Parenthood of Indiana and Kentucky, 888 F.3d 300 (7th Cir. 2018), the circuit court ruled that an Indiana statute requiring that aborted fetal remains be separated from medical waste and disposed of by burial or cremation had “no rational relationship to a legitimate state interest,” meaning, in plain English, the law is utterly pointless.

Judge William Bauer, writing for the 2-1 majority, came to that conclusion by rejecting the state's argument that the law furthered a legitimate government interest in the humane and dignified disposal of human remains. In passing the law, the state's attorney stated, Indiana had “validly exercised its police power by making a moral and scientific judgment that a fetus is a human being who should be given a dignified and respectful burial and cremation.”

CONTINUED ON PAGE 5
This time around, Pelosi has implied that she will not center her leadership around abortion, but rather will focus on “comprehensive healthcare.” But as anyone who has followed Planned Parenthood’s rebranding efforts following the Center for Medical Progress videos knows, comprehensive healthcare has become just another euphemism for abortion on demand.

Speaker Pelosi and the majority of her party have determined that they are the arbiters of the most important question of our day: Who is a person?

We have been here before.

A Senator once talked about those who conferred upon themselves this all-important power of deciding who a person is, describing them as those who “sell little children at the auction block.” He said that when the people with this power were challenged, they would protest that they were being denied equality under the Constitution.

And he knew “there is absolutely nothing in the Constitution out of which slavery can be derived.”

For his uncompromising position on slavery, the Senator—Charles Sumner of Massachusetts—was beat over the head by a colleague until he was bloodied and unconscious.

And you thought the treatment of Brett Kavanaugh was vicious.

So what can we expect from Pelosi over the next two years?

Abortion lobbyist NARAL has heartily endorsed Nancy Pelosi’s speakership, saying she will fight to “proactively expand” abortion rights. So we can expect her to parrot NARAL’s talking points, including its mantra holding that “The Supreme Court’s landmark 1973 decision in Roe v. Wade that affirmed abortion as a constitutional right for all was supposed to be the beginning of the fight for women’s equality and autonomy.”

As Senator Sumner said, we have to brush away the rags and fig leaves that are used to justify sins that arise from the decision to deem certain human beings less than persons under the law.

So let’s think about what NARAL is really saying. The fight for a woman’s equality and autonomy is based on her right to pay someone to kill the human being that is developing inside of her. So we can’t be equal or autonomous—whatever that means—unless we have the right—the power—to destroy people who are less powerful and more dependent than we are.

So much for standing up for the little guy.

That is not just wrong; it’s exactly wrong. It is a lie from the pit of hell.

I don’t say this to condemn women who have found themselves believing that lie. I know firsthand what it is like to be pregnant and fearful. I know firsthand the pain that latches on to you when you make a decision that you will forever regret making. And I also know that God can forgive even the sin of taking the life
of your unborn child, which as sins go, is pretty much the worst.

Ironically, He proved it by giving the life of His Son. God hurt as bad as you can hurt to deliver us from the worst of ourselves. And I am eternally grateful for what He endured to rescue me from myself.

But I also know that our sins have consequences that we can’t always foresee.

What Nancy Pelosi and NARAL and every other radically “pro-choice” person will not tell you is that abortion doesn’t only rob you of a living, breathing, made-in-the-image of God human being—it robs you of the next generation of human beings.

How many of us who had abortions in our teenage years realized then that the babies we exchanged for college degrees or simply for convenience won’t have babies of their own?

Basically autonomy is just another word for emptiness.

But it doesn’t matter to Nancy Pelosi that we miss our children and now our children’s children. She will do whatever is in her power to ensure that every woman has the “constitutional right” to have a procedure that will ensure pain for the foreseeable future. A procedure guaranteed to deprive every woman of a

pregnancy centers to refer their clients for state-funded abortions, thus violating their most deeply-held convictions. But what is the First Amendment in the light of the glorious promise of autonomy and equality that can only be achieved by telling every woman how she can be rid of the burden of an unautonomous, unequal human life?

The Gosnell movie is the true story of the arrest and prosecution of notorious late-term abortionist Kermit Gosnell. The story is based on actual facts, yet NPR—National PUBLIC Radio, refused to allow ads for the film. Similarly, Facebook routinely blocks ads mentioning the word abortion if the ads so much as suggest a pro-life perspective.

So now we are forced to say that abortion is a public good, but we are not allowed to talk about what abortion really is, even when the truth is backed by a federal investigation.

But we have been here before.

In the pre-Civil War South, state legislature regulated speech having to do with slavery. By the 1840’s, almost every Southern state had laws making it illegal to speak openly about the institution of
slavery in public places—like sidewalks. They said such speech threatened the rights of slave owners.

Life Legal has seen a dramatic uptick in cases involving threats, harassment, and even physical assault against those who speak or pray openly about abortion. We have had to take legal action against law enforcement officers who prohibited free speech on public sidewalks because they said they were protecting the rights of clinic owners.

Then, as now, all express rights—that is, rights that are specifically stated in the Constitution like the right to freedom of speech and freedom of the press—have to bow to the lie that some people are not persons under the law.

As Senator Sumner put it, “Such a cause,” whether slavery or abortion, “can be maintained only by a practical subversion of all rights.”

Thus it is no surprise that Nancy Pelosi said the Supreme Court took a “grave step backwards” when it blocked California’s FACT Act. After the release of a series of videos by the Center for Medical Progress (CMP) showing Planned Parenthood directors negotiating the sale of baby body parts, Pelosi called for the investigation of CMP, saying “they spoke in a way that could be misinterpreted.” In other words, promote abortion or be subject to federal investigation.

When Pelosi was presented with Planned Parenthood’s Margaret Sanger Award, she called it a “distinct privilege” to be “associated with the great Margaret Sanger.” Never mind that Margaret Sanger was a eugenicist and racist who argued that only well-heeled white people should be permitted to reproduce.

In her acceptance speech, she said “I really can’t contain myself when they start going after a woman’s right to choose.” She went so far as to equate the “right” to abortion with patriotism and called those who uphold the sanctity of human life “closed minded,” “oblivious,” and “dumb.”

But we have been here before.

In 1861, the Vice President of the Confederacy, Alexander Stephens, gave a speech on the creation of a new and improved America. He said slavery was “natural and normal” and that the new government would be “based upon this great physical, philosophical, and moral truth” that all people are NOT created equal.

In describing his opponents, Stephens said, “we justly denominate [them] fanatics” and called their reasoning a “species of insanity.”

He could not say they simply differed in their views—he had to say they were literally crazy for believing that all men are created equal. Why? Because slavery was the lynchpin of his worldview. It was THE idea that held everything together.

By the way, the statue of Alexander Stephens remains in Statuary Hall in our nation’s capitol to this day.

Those like Speaker Pelosi who have made abortion their cornerstone will use every means at their disposal to convince us that a moral wrong is a moral right. So we should not be surprised that the nation is once again torn over the question of who is a person.

We are, as Abraham Lincoln famously said, a house divided. And, as with slavery, we cannot remain half dedicated to the right to freely disregard an entire group of human beings and half dedicated to the truth that all people are created equal from the moment of their conception and endowed by their Creator with certain inalienable rights, the first of which is the right to LIFE.

I believe that, in spite of recent setbacks, we will see the day—and that day is coming soon—when the notion that abortion is a “constitutional right” will be struck down. Planned Parenthood and NARAL know it too, which is why they spent $30 million to elect radically pro-abortion candidates in the recent election. It’s why they are counting on Nancy Pelosi to expand abortion rights and federal funding for abortion.

Thomas Aquinas said the first principle of natural law is that good is to be done and pursued and evil is to be avoided.

In Romans 12:21, Paul says “Do not be overcome by evil, but overcome evil with good.”

It is easy to feel overwhelmed by evil when we consider the scale of the violence committed on unborn children who are truly the most innocent among us. It is easy to feel overwhelmed when we hear the pro-abortion rhetoric that saturates the media and is now emanating from Capitol Hill. And it is easy to feel overwhelmed when we see the marches and protests that call for even more violence against the unborn and more grief and regret for women.

But as much as we want to see sweeping changes in favor of life, our first job is to do good. This may sound strange coming from a lawyer, but it is what we are called to do. It is why Life Legal so often represents the underdog, the weak, and the vulnerable, especially the unborn. It is why our motto for thirty years has been “no case is too small.”

God’s word does not return void.

As we go about doing good, evil is being overcome.

Of course we should not underestimate the depths of the evil we are facing. Just as slavery was the issue in Charles Sumner’s day, abortion is the issue of our time.

Ultimately, though, we know who will win this fight. Because we have been here before.
A PUBLICATION OF THE LIFE LEGAL DEFENSE FOUNDATION

ABORTION LAW, CONTINUED FROM PAGE 1

To be clear: this law in no way stood in the way of any woman seeking an abortion. PPINK, the Planned Parenthood affiliate challenging the law, did not argue that it burdened abortion-minded women or abortion clinics. Rather, the abortion provider argued that the provision was simply irrational.

And Judge Bauer agreed. Judge Bauer opined that, because the U.S. Supreme Court in Roe v. Wade held that “the word ‘person’ as used in the Fourteenth Amendment does not include the unborn,” the law does not recognize that an aborted fetus is a person. He went on to quote another Seventh Circuit case, Coe v. Cook County, that reasoned, “This conclusion [that a fetus is not a person] follows inevitably from the decision to grant women a right to abort. If even a first-trimester fetus is a person, surely the state would be allowed to protect him from being killed … But of course the state is not allowed to do this.”

Judge Bauer carried this so-called logic a step further, concluding, “As such, the State’s interest in requiring abortion providers to dispose of aborted fetuses in the same manner as human remains is not legitimate.” Q.E.D.

Indiana appealed this decision to the full Seventh Circuit, which split evenly, leaving the decision in place. Judge Frank Easterbrook, arguing in favor of the law’s constitutionality, pointed out the fallacy of relying on the concept of Fourteenth Amendment personhood to determine whether the law could stand:

[B]ecause “X is not a person” does not imply “X is beyond regulatory authority.” Think of animal-welfare statutes. Dogs may not be beaten for fun. Bullfights are forbidden. Horses may not be slaughtered in Illinois for the dinner table under a statute this circuit sustained largely on animal-welfare grounds…. Many states have laws that prescribe how animals’ remains must be handled…. The panel has held invalid a statute that would be sustained had it concerned the remains of cats or gerbils.

In other words, precisely because these are the remains of unborn children, and not remains of animals, the Seventh Circuit panel held it unconstitutional to afford them dignified treatment, because to do so would call into question a woman’s right to abortion under Roe. The law wasn’t just pointless: it was dangerous, and the state’s motives nefarious.

The state of Indiana is now seeking review by the Supreme Court of the constitutionality of the fetal remains disposal law as well as another provision the courts also struck down prohibiting abortion for discriminatory reasons (i.e., because of the race, gender, or disability of the unborn child).

Life Legal filed an amicus brief in support of Indiana’s petition for certiorari. The brief, filed on behalf of former abortion provider Dr. Beverly McMillan, argues that in addition to the state’s interest in the dignified disposal of human remains, the statute also furthers the governmental interest in promoting the integrity and ethics of the medical profession. This interest has long been recognized as legitimate and substantial by the Supreme Court.

As evidence of how Indiana’s fetal remains disposal law would promote and protect the integrity of medical professionals, Life Legal’s brief pointed to examples of what happens to doctors who routinely treat fetal remains disrespectfully. One notorious example is Kermit Gosnell, convicted of multiple counts of infants who were born alive during abortion procedures. Gosnell kept aborted babies in cut-off milk jugs, water bottles, and juice containers.

More examples are found in the shocking undercover videos recorded by Center for Medical Progress, where abortion doctors callously discussed, over salad or a glass of wine, pricing and parceling out the organs of aborted babies.

Perhaps if abortionists were compelled by law to treat fetal remains like other human remains, their eyes would be opened to the horror they are committing. As the brief stated:

[T]he fetal disposition provision allows society to express to abortion providers its collective judgment that, with each abortion, the provider has ended the life of a fellow human being, in contradiction to the physician’s commitment to healing and preserving life. The public cannot control how the provider responds to that message, but the public’s interest in expressing that message is entirely rational.

The Supreme Court is expected to decide in January whether it will accept the case for review.
CASES TO WATCH
GENERAL RECAP & UPDATE OF CURRENT CASES

Planned Parenthood v. Daleiden et al. (Calif.)—In January 2016, Planned Parenthood Federation of America and a number of PP affiliates sued David Daleiden and several of his fellow investigators for the express purpose of punishing them for their investigative work which exposed PP’s role in the sale of baby parts for profit. PP is claiming over $10 million in actual damages and seeking treble damages for alleged “racketeering” (RICO), as well as punitive damages and attorney fees. Discovery is proceeding. The most recent discovery hearing was on July 19, 2018, during which Life Legal sought to determine the extent to which Planned Parenthood violated the federal fetal tissue trafficking statute. Life Legal filed a motion for summary judgment attacking the RICO and fraud claims that are at the heart of the lawsuit. The motion will be heard on January 16, 2019.

California v. Daleiden and Merritt (Calif.)—California Attorney General Xavier Becerra charged Daleiden and his Center for Medical Progress colleague Sandra Merritt with fourteen counts of felony eavesdropping and one count of conspiracy to eavesdrop. California’s eavesdropping statute expressly exempts conversations during which there is no expectation of confidentiality, including those recorded at public events. The conversations for which Daleiden and Merritt are being charged occurred either in crowded restaurants or in the exhibit hall at a hotel in the midst of a large conference. Hearing is set for February 2019 in San Francisco Superior Court.

Planned Parenthood v. MMB Properties (Kissimmee, Fla.)—Planned Parenthood purchased and occupied property at Oak Commons in Kissimmee in April of 2014. When it became clear that PP was going to perform abortions, a cardiology practice operated by MMB Properties, which also had an office at Oak Commons, sued to enforce a restrictive covenant that forbade “outpatient surgical centers” at the site. Planned Parenthood lost when the Fifth District Court of Appeals for the State of Florida upheld the trial court’s preliminary injunction prohibiting the abortion giant from running a baby-killing mill at Oak Commons. Planned Parenthood appealed the decision by the Fifth District Court of Appeals to the Florida Supreme Court. Oral arguments were heard on August 31, 2016. On February 23, 2018, the Court dissolved the temporary restraining order, but agreed with the lower court’s construction of the terms of the covenant. The case is back before the trial court for permanent injunction proceedings consistent with the Supreme Court’s opinion. Depositions in process. Summary judgment motion filed in December 2018.

Ahn v. Hestrin (Calif.)—Proponents of physician-assisted suicide, unsuccessful for twenty years in passing legislation during regular sessions, took advantage of an abbreviated review process in an extraordinary legislative session, called to address Medi-Cal funding shortfalls to push through passage of the End of Life Option Act. California Governor Jerry Brown signed the bill, making California the fourth—and by far the largest—state to decriminalize physician-assisted suicide, permitting physicians to prescribe lethal drugs (so-called “aid-in-dying drugs”) to individuals believed to have a terminal disease. Life Legal filed a challenge in June 2016 on behalf of six doctors and the American Academy of Medical Ethics asserting that the Act was passed in violation of California’s constitution and that the Act removes crucial legal protections from sick and vulnerable patients that are enjoyed by other Californians. On May 25, 2018, Judge Daniel Ottolia ruled in favor of Life Legal and struck down the End of Life Option Act as unconstitutional. Attorney General Xavier Becerra and the George Soros funded pro-suicide group “Compassion and Choices” appealed and were granted a stay temporarily reinstating the Act. California’s Fourth District Court of Appeals denied the petition finding that Life Legal’s plaintiffs lack standing. A petition for review has been filed in the California Supreme Court.

Two Rivers School v. Darnel et al. (Washington, D.C.)—Pro-life advocates protested the construction of a Planned Parenthood megacenter adjacent to a middle school in Washington, D.C. The school district sued and obtained a preliminary injunction. Life Legal, representing the lead plaintiff in the case, appealed the decision to the D.C. Court of Appeals. The next hearing was scheduled for December 2018.

Passmore v. 21st Century Oncology (Fla.)—Two employees at an oncology clinic in Florida were terminated after one of them posted a video of an emergency at an abortion clinic in their complex. Although other employees observed the emergency, only the Christian, pro-life employees were fired. The employees filed a federal employment discrimination suit. Trial back on track after plaintiffs were granted a relief from stay after employer filed for bankruptcy.
McKitty v. Hayani
(Canada)—Life Legal is assisting in the Canadian case of twenty-seven-year-old Taquisha McKitty, who was declared brain dead in September 2017, but has since been exhibiting movements and responses incompatible with brain failure. Taquisha’s parents filed suit to keep their daughter on life support, as they believe death is not determined solely on the basis of neurological criteria. In late June, an Ontario judge ruled to allow the hospital to withdraw life support. Taquisha’s family is planning to appeal the ruling.

Stinson/Fonseca (Calif.)—Life Legal continues our challenge to California’s brain death statute in federal court. The statute does not provide due process for family members who seek a second, independent medical opinion after their loved one has suffered a serious brain injury. The lawsuit was filed on behalf of the parents of Israel Stinson, whose two-year-old son was declared brain dead by a California hospital but was subsequently found to have active brain waves. Israel Stinson died after being forcibly removed from life support in August, 2016. The hospital and state then sought to have the case dismissed, claiming the toddler’s death rendered the case moot as there were no further damages. Life Legal subsequently joined the case as a co-plaintiff. Case is on appeal to the Ninth Circuit.

People v. Handy, et al.
(Alexandria, Va.)—Life Legal represented three defendants facing criminal charges resulting from a “Red Rose Rescue,” during which they entered a Virginia abortion mill to give women a red rose and information about abortion alternatives. The defendants were found guilty. A Life Legal attorney filed a notice of appeal on behalf of one of the defendants.

People v. Imbarrato, et al.
(Washington, D.C.)—Red Rose Rescue case involving Father Stephen Imbarrato of Priests for Life and two other defendants who were convicted of trespassing when they entered an abortion mill associated with the notorious late-term abortionist Stephen Brigham. The rescued attempted to warn women about Brigham’s dangerous practices, which have resulted in severe injuries to his patients and led numerous medical boards to charge him with gross negligence. Father Imbarrato served five days in jail when he refused the judge’s probation terms that prohibited him from returning to Brigham’s facility for one year. The other two defendants were sentenced on July 24, 2018. Life Legal is planning to file a notice of appeal on behalf of one of the defendants.

Commissioner of the Indiana State Department of Health, et al. v. Planned Parenthood of Indiana and Kentucky, Inc. (Ind.)—Life Legal filed an amicus brief in the U.S. Supreme Court, on behalf of former abortion provider Beverly McMillan, urging the Court to reverse a Seventh Circuit decision striking down an Indiana law requiring medical facilities to dispose of fetal remains in the same manner as other human remains, i.e., by burial or cremation. Life Legal argued that the law furthers the significant government interest in promoting the integrity of the medical profession. Referenced article is on p 1.

Hunt v. New Mexico School of Medicine—Medical Student’s off campus comments made to the general public resulted in expulsion. Life Legal has filed an amicus brief in defense of free speech concerns.

Gunnoe v. Holmes et al.—Life Legal represented the fiancé of 27-year-old Holly O’Donnell, a former tissue procurement technician for StemExpress who turned whistleblower to expose the company’s illegal profiteering on fetal tissue. Holly’s riveting eyewitness testimony about how fetal tissue was obtained in Planned Parenthood clinics was featured in several of the Center for Medical Progress videos. Holly suffered a heart attack on August 28, causing temporary loss of oxygen to her brain. After being placed on a ventilator, she showed signs of recovery (opening her eyes, trying to move her upper body, etc.), but her parents, with whom she had a strained relationship, indicated that they would take her off of life support within days. Life Legal filed an emergency TRO petition on behalf of Holly’s fiancé, Paul Gunnoe. The judge issued an order requiring the parents and hospital to only take action that would prolong Holly’s life. Holly received a feeding tube and breathing tube. The court appointed the public defender as Holly’s guardian. At a subsequent status update hearing, the judge changed the order to permit the parents to remove Holly’s life support, which they did a week later without notifying Paul or the court-appointed guardian. Holly died on September 30.

Alabama Department of Public Health Writ of Mandamus (Ala.)—A Writ of Mandamus filed against the Alabama Department of Public Health (“ADPH”) seeking an order to revoke the abortion license ADPH issued to Planned Parenthood Birmingham and seeking a further order to regularly and consistently inspect all abortion clinics in the state of Alabama and ensure correction of any deficiencies reported by the ADPH.

State of Florida v. McCullof (Fla)—At University of Tallahassee a woman destroyed signs and accused pro-lifer of battery at pro-life Created Equal event. Jury trial February 6, 2019.
Planned Parenthood explicitly describes two main messaging strategies: rights-based and health-based.

First: abortion is a human right. “The denial of abortions violates the right to humane treatment and the right to be free from cruel and inhuman treatment.” This means that there is no abortion Planned Parenthood doesn’t like: the guide provides messaging to defend abortion as contraception, abortions on minors without their parents’ knowledge, abortion in countries where it is illegal, partial-birth abortions, repeat abortions, late-term abortions, and sex-selective abortions as expressions of bodily autonomy, freedom, and equality.

Second: abortion is a form of health care. The guide repeatedly claims that abortion is safer than childbirth. Well, at least “safe” abortion is safer than...
carrying a child to term. Planned Parenthood switches back and forth depending on the context, between alleging that tens of thousands of women die every year from “unsafe” abortion while simultaneously claiming that abortion, even illegal abortion, is one of the safest medical procedures in existence.

Planned Parenthood implicitly describes two other messaging strategies: confusion and distraction. It encourages vague, less understood terms over clear language and discourages anything that draws attention to the person most concerned in an abortion: the baby.

The guide includes a list of “not recommended” and “preferred” terms in order to avoid “stigmatizing language.” Rather than “abort a child,” the preferred terms are “end a pregnancy,” “have an abortion,” “voluntary interruption of pregnancy,” and “not moving through a full pregnancy.” Why? “Abort a child’ is medically inaccurate, as the fetus is not yet a child” and “terminate’ is commonly used, however … terminate may have negative connotations (e.g. ‘terminator’ or ‘assassinate”). And of course “in some contexts, the word ‘abortion’ has negative connotations. In these situations, it may be helpful to avoid the word completely.”

On the one hand Planned Parenthood says it’s important to be medically accurate: use “intact dilation and extraction” rather than “partial-birth abortion” because the former is “the accurate description of a medical procedure.” On the other hand they say it’s important not to over-medicalize the procedure, so “avoid using an image of a fetus as these can over-medicalize the procedure and take the focus away from the individual having the abortion.”

Other important terms to remember when selling abortion: don’t say “repeat abortion” since “repeat” can have negative connotations, such as ‘repeat offender.” Don’t say “baby” since “the embryo or fetus is not a baby.” Say “sex-selective abortion” rather than “gendercide” because “the suffix ‘cide’ denotes killing which is not appropriate when describing abortion.” Don’t say “reduce the number of abortions” because “there will always be the need for … abortion.” Don’t say “mother,” “father,” or “parent” because these terms imply “that the fetus is a child, which is not accurate.” Don’t say “keep the baby” because “the term ‘keep’ implies a positive outcome which may not accurately reflect the situation.” The overriding principle is that nothing negative should ever be said about any abortion and nothing positive should ever be said about letting a baby live.

The bad news is that Planned Parenthood has a slick, well-funded marketing campaign. The good news is that when ordinary people see beyond this comforting façade to the ugly truth about abortion, they don’t like it. Planned Parenthood cannot succeed in its bloody business without REALLY trying.

---

### Planned Parenthood Rights-Based Messaging

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abort a child</strong></td>
<td>End a pregnancy, Have an abortion, Voluntary interruption of pregnancy, Not moving through a full pregnancy</td>
</tr>
<tr>
<td><strong>Abortion is (always) illegal</strong></td>
<td>Abortion is legal under the following conditions... Abortion is legally restricted</td>
</tr>
<tr>
<td>Keep the baby</td>
<td>Choose to move through a full pregnancy or, continue the pregnancy</td>
</tr>
<tr>
<td><strong>Mother/Father Parent</strong></td>
<td>Pregnant woman Partner of a pregnant woman</td>
</tr>
<tr>
<td><strong>Abortionist</strong></td>
<td>Abortion provider Healthcare provider</td>
</tr>
<tr>
<td><strong>Baby</strong></td>
<td>Embryo (up to week 10 gestation) Fetus (from week 10 gestation onwards)</td>
</tr>
<tr>
<td><strong>Dead fetus</strong></td>
<td>The pregnancy</td>
</tr>
<tr>
<td><strong>Unborn baby</strong></td>
<td>Abortion on the basis of fetal sex Sex-selective abortion</td>
</tr>
<tr>
<td><strong>Unborn child</strong></td>
<td>Abortion at XX weeks gestation Abortion in 2nd/3rd trimester</td>
</tr>
<tr>
<td><strong>Partial birth abortion</strong></td>
<td>Intact dilation and extraction</td>
</tr>
<tr>
<td><strong>Prevent abortion</strong></td>
<td>Prevent unintended pregnancies</td>
</tr>
<tr>
<td><strong>Reduce the number of abortions</strong></td>
<td>Reduce the number of unintended pregnancies</td>
</tr>
<tr>
<td><strong>Pro-life</strong></td>
<td>Anti-choice Anti-abortion</td>
</tr>
<tr>
<td><strong>Services, clients</strong></td>
<td>Healthcare, Abortion care, Patients</td>
</tr>
<tr>
<td><strong>Repeat abortion</strong></td>
<td>More than one abortion</td>
</tr>
<tr>
<td><strong>Multiple abortions</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

**Creating a Legacy**

You can give a legacy gift to Life Legal through your will or living trust.

**Benefits of Planned Giving:**
- Further the work of Life Legal
- Receive estate tax deductions
- Choose which types of assets to give
- Minimize tax burdens
- Control your assets during your lifetime

If you need an attorney to help with planned giving, call Life Legal at 707.224.6675.
DO NOT RESUSCITATE ORDER (DNR):
WHAT YOU NEED TO KNOW

Germaine Wensley RN, BS

The public may be confused about the ramifications of Do Not Resuscitate (DNR) orders. A DNR is a legal medical order that must be signed by a physician or other authorized health care professional. It informs health care providers to withhold Cardiopulmonary Resuscitation (CPR) or other life-saving procedures from someone whose heart stops beating or who stops breathing.

DNR orders came into being years after CPR was developed to promote patient autonomy by giving more health care choices to the individual. They were also meant to prevent CPR from being performed on a person in cases where CPR could be harmful or provide no benefit, e.g., if a person were already very near death from cancer.

In such cases, it would be reasonable to have a signed DNR in order to allow that individual to die without aggressive, possibly harmful, intervention.

On the other hand, if a healthy person with a DNR order is rendered unconscious and unable to breathe, health care personnel would not be permitted to perform life-saving measures.

Rejecting medical care in advance through a DNR order could put your life in danger.

How exactly can a DNR ultimately cost you your life? Let’s suppose you have signed a POLST (Physician Orders for Life Sustaining Treatment) document. This is a legally binding medical order indicating your health care wishes. Signing a POLST is generally recommended for end-of-life medical care choices, but can be signed and authorized at any time of life. The form allows you to check the type of care you do or do not want. The first box (A) says Do Not Attempt Resuscitation/DNR. If you check this box, you will not be given CPR in an emergency—no matter your age or state of health at the time.

As another example, you may be asked whether you have a DNR in place if you are admitted to the hospital for a surgical procedure. You may be interested in a study on patients who signed a DNR before surgery. Regardless of the procedure or health before surgery, patients with a DNR order fared worse than those without one. Patients with a DNR order were more likely to suffer serious complications and have longer hospital stays. While it could be argued that patients with DNR orders may be sicker than those without, researcher Sanziana Roman, MD, noted that even when DNR patients “start out sicker ... the DNR on its own was an independent risk factor for death.”

The study also raised the question of whether having a DNR might change the way patients are treated. “If I were a patient, I might worry from this study that having a DNR on my chart might lead to less aggressive treatment,” said Clarence Braddock, MD, MPH Professor of Medicine and Associate Dean of Medical Education at Stanford School of Medicine. In fairness, it should be mentioned that some physicians take exception to the study. Others believe DNR orders should be suspended during surgery.
A patient should always be consulted before a DNR order is written. If the patient is unable to make the decision, then it should be made in consultation with the surrogate decision-maker. Precise communication between doctor and decision-maker is extremely important to ensure that the order is properly understood regarding what will happen if CPR is initiated. At times CPR can be an invasive procedure. If someone is dying from an incurable condition it is crucial to know if CPR will be of any benefit. The question is: would such aggressive efforts actually be harmful? These are matters to be carefully considered before signing a DNR.

A DNR order can be a separate document or may be included as part of an advance directive. Either way it could be dangerous if you are relatively young and healthy.

Research has shown that DNR orders can be confusing to patients as well as physicians. They can be misinterpreted, applied inconsistently, or conflict with hospital policies—which may themselves be unclear or at odds with state regulations. Moreover, many health care providers mistakenly assume that a DNR order means the patient is dying. Studies have demonstrated that it’s not uncommon for a patient with a DNR order to receive less aggressive treatment. Writing in a medical journal, an experienced RN cautions oncology nurses to protect the safety of their patients by “ensuring that DNR orders are not over-interpreted so that important kinds of care are not wrongly withheld from patients who have a DNR.”

IN SUCH CASES, IT WOULD BE REASONABLE TO HAVE A SIGNED DNR IN ORDER TO ALLOW THAT INDIVIDUAL TO DIE WITHOUT AGGRESSIVE, POSSIBLY HARMFUL, INTERVENTION. NO ONE SHOULD BE PRESSURED INTO HAVING A DNR ORDER—ESPECIALLY WHEN BEING ADMITTED INTO A HEALTH CARE FACILITY.

Betsy McCauley describes this exact scenario in Investor’s Business Daily when she writes, “New research shows having those three letters—DNR—on your chart could put you on course to getting less medical and nursing care throughout your stay. Fewer MRIs and CT scans, fewer medications, even fewer bedside visits from doctors, according to the Journal of Patient Safety.”

No one should be pressured into having a DNR order—especially when being admitted into a health care facility.

The important decision of whether or not to have a DNR order is ideally made in the last days of life. If you are in that situation, and your doctor has not brought up the subject, it might be time to initiate that talk. A frank discussion with him or her about the risks and benefits of having a DNR in your individual case would be helpful in deciding what to do. You may also want to consult the family in the decision. While debating the issue, ethical questions may arise, and that is where a member of the clergy could be of help.

1 Warner, Jennifer, DNR Orders May Affect Surgical Outcomes, WebMD.com, April 18, 2011.

2 Glenn, David G., RN, MS, Preventing Safety Hazards Associated With Do-Not-Resuscitate Orders, Clinical Journal of Oncology Nursing, Vol. 19, no. 6, p. 667.

Save the Date!

4th Annual Benefit Dinner
For the protection of vulnerable life
April 27 / Bloomington MN

DONATE:
LLDF.ORG/DONATE
LLDF.org

CALL TO ACTION

• Please consider making a tax-deductible contribution today. Life Legal provides trained and committed legal representation in life and death cases across the country. Your generosity saves lives!  www.LLDF.org/donate

• Wanted: Attorneys to assist with forced death and denial of care cases. We also need doctors willing to serve as expert witnesses. Please call Life Legal for more information: (707) 224-6675